

## Message Text

LIMITED OFFICIAL USE

PAGE 01 NEW DE 00590 140450Z

17

ACTION NEA-09

INFO OCT-01 ISO-00 SNM-02 RSC-01 /013 W

----- 017799

O R 131335Z JAN 75

FM AMEMBASSY NEW DELHI

TO DEA HQS WASHDC IMMEDIATE

INFO AMEMBASSY ANKARA

SECSTATE WASHDC 6265

LIMITED OFFICIAL USE NEW DELHI 0590

DEA FOR EOI AND IN

SECSTATE FOR S/NM

ANKARA FOR DEA RD BRIGGS

E.O. 11652: N/A

TAGS: SNAR, DEA

SUBJ: R1-72-0068

1. DURING CROSS-EXAMINATION OF BURKE IN REF CASE, DEFENSE ESTABLISHED BURKE POSSESSED & REMOVED EVIDENCE FROM INDIA ON AUTHORITY CENTRAL BUREAU OF INVESTIGATION (CBI) AND NOT COURT. DEFENSE THEREFORE TENDERED PREPARED MOTION THAT COURT ARREST BURKE AND CHARGE HIM WITH OTHER DEFENDENTS. DEFENSE CITED CBI INDICTEMENT WHICH LIST BURKE AS CO-CONSPIRATOR. DEFENSE OFFERED WITHDRAW MOTION OF CBI OFFICER PRESENT IN COURT WOULD STATE BURKE HAD RECEIVED AUTHORITY FROM CBI. CBI OFFICER REFUSED PROVIDE STATEMENT. BURKE OBSERVED SECOND MOTION IN POSSESSION OF DEFENSE COUNSEL WHICH REQUESTS BURKE'S ARREST ON BASIS HE LACKED PROPER AUTHORITY CARRY FIREARM AT TIME OF ARREST (AUTHORITY WAS CBI). THIS MOTION OBVIOUSLY BACKUP IN CASE FIRST FAILS.

2. MOSTIONS SEEN BY PROSECUTOR AND CBI AS DELAYING TACTICS, HOWEVER, DEA & EMBASSY CONCLUDES IT IS UNWISE FOR BURKE TO REMAIN IN INDIA IN CASE MAGISTRATE SHOULD RULE IN LIMITED OFFICIAL USE

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FAVOR OF DEFENSE MOTION, FOR EITHER LEGAL OR POLITICAL

REASONS.

3. UNLESS DEA HQS ADVISES TO THE CONTRARY, BURKE WILL  
DEPART DELHI JAN 14. SAIC KELLY FORSEES NO HARMFUL  
FALLOUT FROM CBI. BURKE WILL CHECK WITH BERUIT DO FOR  
ANY FURTHER INSTRUCTION.  
SCHNEIDER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DRUG CONTROL, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 JAN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** GolinoFR  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Office:** ACTION NEA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
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**Original Previous Handling Restrictions:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** GolinoFR  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 04 AUG 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <04 AUG 2003 by ShawDG>; APPROVED <05 AUG 2003 by GolinoFR>  
**Review Markings:**

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EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** R1-72-0068  
**TAGS:** SNAR, DEA  
**To:** DEA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006